

Withrow & Terranova

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Registered Patent Attorneys*A High Technology Patent Practice*RECEIVED
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JUN 05 2006

FACSIMILE TRANSMITTAL SHEET

TO:	Examiner Frank Duong	FROM:	Benjamin S. Withrow
COMPANY:	USPTO - Art Unit 2666	DATE:	6/5/2006
FAX NUMBER:	571-273-8300	TOTAL NO. OF PAGES INCLUDING COVER:	28
PHONE NUMBER:		SENDER'S REFERENCE NUMBER:	7000-470
RE:	Petition to Withdraw Abandonment	YOUR REFERENCE NUMBER:	09/616,997

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ ORIGINAL TO FOLLOW

NOTES/COMMENTS:

Please find attached the following item(s):

- 1) Petition to Withdraw the Holding of Abandonment Pursuant to 37 C.F.R. § 1.181(a).

NOTE: The information contained in this transmission is privileged and confidential and intended ONLY for the individual or entity named above. If you should receive this transmission in error, please notify our office and return to the below address via the U.S. Postal Service.

201 SHANNON OAKS CIRCLE, SUITE 200
CARY, NC 27511
PH: (919) 654-4520
FAX: (919) 654-4521

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JUN 05 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Matthew D. Brown et al.
Serial No. 09/616,997
Filed: 7/14/2000

Examiner: Frank Duong
Art Unit: 2666

For: **PROCESSING OF ARBITRARILY FORMATTED CLIENT SIGNALS TO
ACHIEVE COMPATIBILITY WITH EXISTING TRANSPORT**

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

**PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT
PURSUANT TO 37 C.F.R. § 1.181(a)**

Pursuant to 37 C.F.R. § 1.181(a) and MPEP § 711.03(c)(I), Applicant files the present petition to withdraw the holding of abandonment based on the failure to receive Notice of Allowance. During Applicant's review of PAIR, Applicant noticed that a Notice of Allowance was mailed on January 31, 2006. Applicant did not receive this correspondence.

Further investigation revealed that the Patent Office erroneously sent the Notice of Allowance to the law office of William J. Tucker, 8650 Southwestern Blvd. #2825, Dallas, TX 75206, Customer No. 27512. William J. Tucker has never been the attorney of record for the present application, and it is presumed that Withrow and Terranova's zip code was erroneously entered as the customer number when the Advisory Action and the Notice of Allowance were sent to this law firm when in fact they should have been sent to Withrow & Terranova, PLLC, Post Office Box 1287, Cary, NC 27512, Customer No. 27820.

As proof of the error on the part of the Patent Office, Applicant attaches (as Exhibit A) a downloaded version of the Notice of Allowance and (as Exhibit B) a faxed version of the Advisory Action, which examiner Frank Duong provided to Withrow & Terranova on November 28, 2005. A Notice of Abandonment has not yet been issued to the best of Applicant's knowledge. In any event, Applicant did not receive the Notice of Allowance until Applicant's representative downloaded it from PAIR on May 17, 2006. Applicant's representative resent the Submission of Power of Attorney, Power of Attorney, and Change of Correspondence Address Form on May 8, 2006, and only gained access to PAIR on May 15, 2006, as evidenced by a print-out of the Image File Wrapper from PAIR and attached to this petition as Exhibit C.

While Applicant believes that the showing of Exhibits A-C clearly reflects that Applicant has not received a Notice of Allowability, to comply with the standards set forth in MPEP 711.03(c), Applicant attaches a declaration of the practitioner, stating the same.

In light of the fact that Applicant never received the Notice of Allowability and therefore was unable to respond accordingly by paying of the issue fee, Applicant requests that the Director withdraw the holding of Abandonment and mail the Notice of Allowability to the correct address. To expedite things, Applicant includes the response to the Notice of Allowance, and the appropriate issue fee.

If any issues remain to be resolved, Applicant requests that the Patent Office contact the undersigned by telephone so that Applicant may address these in a timely fashion and expedite the issuance of the patent.

Respectfully submitted,

WITHROW & TERRANOVA, P.L.L.C.

By:

Benjamin S. Withrow
Registration No. 40,876

P.O. Box 1287
Cary, NC 27512
Telephone: (919) 654-4520

Date: June 5, 2006
Attorney Docket: 7000-470

<p align="center">CERTIFICATE OF TRANSMISSION</p> <p>I HEREBY CERTIFY THAT THIS DOCUMENT IS BEING TRANSMITTED VIA FACSIMILE ON THE DATE INDICATED BELOW TO:</p> <p>Examiner: <u>Frank Duong</u> Art Unit: <u>2666</u> Fax: <u>703-872-9306</u></p> <p><u>Michelle Heymann</u> Name of Sender</p> <p><u>Michelle Heymann</u> Signature</p> <p><u>6-5-06</u> Date of Transmission</p>
--

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JUN 05 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Matthew D. Brown et al.

Examiner: Frank Duong

Serial No. 09/616,997

Art Unit: 2666

Filed: 7/14/2000

For: **PROCESSING OF ARBITRARILY FORMATTED CLIENT SIGNALS TO
ACHIEVE COMPATIBILITY WITH EXISTING TRANSPORT**

Commissioner for Patents

PO Box 1450

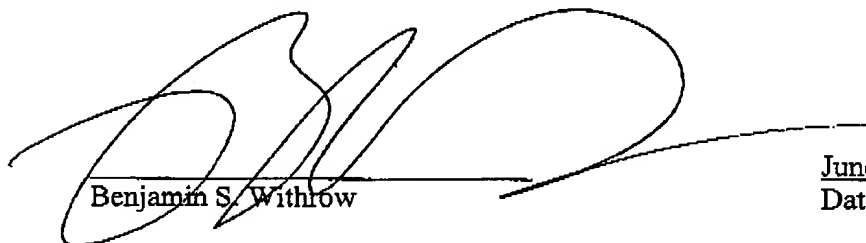
Alexandria, VA 22313-1450

Sir:

**DECLARATION OF BENJAMIN S. WITHROW IN SUPPORT OF PETITION
TO WITHDRAW HOLDING OF ABANDONMENT**

1. My name is Benjamin S. Withrow and, on July 13, 2005, I was appointed by Kevin A. Sembrat, internal counsel for Nortel Networks Limited, assignee of the above-identified application, to represent Nortel Networks Limited before the United States Patent and Trademark Office with respect to the above-identified application.
2. To the best of my knowledge, Nortel Networks Limited has never revoked my authority to represent them in this matter before the United States Patent and Trademark Office.
3. At no time did I file a change of correspondence address with the United States Patent and Trademark Office indicating that the Patent Office should mail correspondence relating to the above-referenced application to the law firm of William J. Tucker, 8650 Southwestern Blvd. #2825, Dallas, TX 75206, Customer No. 27512.
4. I have searched the file jacket and docket records for the above-identified application and no communication was received from the Patent Office relating to the Notice of Allowability.
5. As proof of non-receipt of the office communication, I am attaching (as Exhibit D) a copy of the docket records proximate May 1, 2006, which is three months after the mailing date of the first Notice of Allowance. My file number for this application is 7000-470. For May 1, 2006, there are no entries reflecting that an issue fee was due for matter number 7000-470.

6. I hereby declare that all declarations made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



Benjamin S. Withrow

June 5, 2006
Date

Exhibit A



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

27512 7590 01/31/2006
WILLIAM J. TUCKER
8650 SOUTHWESTERN BLVD. #2825
DALLAS, TX 75206



EXAMINER	
DUONG, FRANK	
ART UNIT	PAPER NUMBER

2666

DATE MAILED: 01/31/2006

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/616,997	07/14/2000	Matthew D. Brown	7000-470	6403

TITLE OF INVENTION: PROCESSING OF ARBITRARILY FORMATTED CLIENT SIGNALS TO ACHIEVE COMPATIBILITY WITH EXISTING TRANSPORT NETWORKS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$0	\$1400	05/01/2006

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

1. Review the SMALL ENTITY status shown above:

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

3. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

I. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

II. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571) 273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

27512 7590 01/31/2006

WILLIAM J. TUCKER
8650 SOUTHWESTERN BLVD. #2825
DALLAS, TX 75206

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/616,997	07/14/2000	Matthew D. Brown	7000-470	6403

TITLE OF INVENTION: PROCESSING OF ARBITRARILY FORMATTED CLIENT SIGNALS TO ACHIEVE COMPATIBILITY WITH EXISTING TRANSPORT NETWORKS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$0	\$1400	05/01/2006
EXAMINER	ART UNIT	CLASS-SUBCLASS			
DUONG, FRANK	2666	370-466000			

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1	_____
2	_____
3	_____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.111. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/616,997	07/14/2000	Matthew D. Brown	7000-470	6403
27512	7590	01/31/2006		
WILLIAM J. TUCKER 8650 SOUTHWESTERN BLVD. #2825 DALLAS, TX 75206				
			EXAMINER	
			DUONG, FRANK	
			ART UNIT	PAPER NUMBER
			2668	
DATE MAILED: 01/31/2006				

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
 (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 1047 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1047 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571) 272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

Notice of Allowability

Application No.

09/616,997

Applicant(s)

BROWN ET AL

Examiner

Frank Duong

Art Unit

2666

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address-

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/25/05.
2. ☒ The allowed claim(s) is/are 1-38.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


FRANK DUONG
PRIMARY EXAMINER

Application/Control Number: 09/616,997

Page 2 .

Art Unit: 2666

DETAILED ACTION

1. This Office Action is a response to communication dated 11/25/05. Claims 1-38 are pending in the application.

Allowable Subject Matter

2. Claims 1-38 are allowed.
3. The following is an examiner's statement of reasons for allowance: The prior art of record, considered individually or in combination, fails to fairly show or suggest a claimed method, computer program and apparatus for converting a received client signal into a frame based transport signal, comprising, among other limitation, a novel and unobvious limitation of "creating successive payload sections each accommodating the same number of transport data units, each transport unit being a byte, each transport unit also being set either to one of the received client data units or to a dummy data unit", structurally and functionally interconnected with other limitations in a manner as recited in claims 1-38.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Application/Control Number: 09/616,997

Page 3

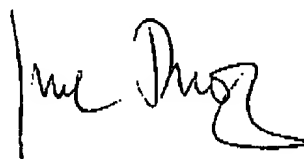
Art Unit: 2666

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank Duong whose telephone number is 571-272-3164. The examiner can normally be reached on 7:00AM-3:30PM, Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



FRANK DUONG
PRIMARY EXAMINER

January 27, 2006

Notice of References Cited

Application/Control No.

09/616,997

Applicant(s)/Patent Under
Reexamination
BROWN ET AL.

Examiner

Frank Duong

Art Unit

2666

Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-			
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
 Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

U.S. Patent and Trademark Office
 PTO-892 (Rev. 01-2001)

Notice of References Cited

Part of Paper No. 20060127

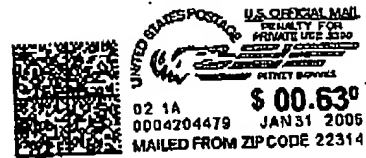
IC 2600

Jell

Organization _____ Bldg./Room _____
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
Alexandria, VA 22313-1450
If Undeliverable Return In Ten Days

AN EQUAL OPPORTUNITY EMPLOYER

Official Business
Penalty For Private Use, \$300



X 752 N1 1 90% C 23 02/07/06
FORWARD TIME EXP RTN TO SEND
TUCKER, WILLIAM J
14491 BOLIND DR
MALAKOFF TX 75146-0719

RETURN TO SENDER

75206+2685-032-0000450

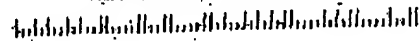


Exhibit B



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FLING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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27512 7590 08/03/2005				
WILLIAM J. TUCKER				
8650 SOUTHWESTERN BLVD. #2825				
DALLAS, TX 75206				
EXAMINER				
DUONG, FRANK				
ART UNIT		PAPER NUMBER		
2666				

DATE MAILED: 08/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/816,997

Applicant(s)

BROWN ET AL

Examiner

Frank Duong

Art Unit

2666

-The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

THE REPLY FILED 28 July 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 705.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.
NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____
Claim(s) objected to: 10, 23, 26, 27, 36 and 37
Claim(s) rejected: 1-9, 11-22, 24, 25, 28-35 and 38
Claim(s) withdrawn from consideration: _____

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____

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Continuation Sheet (PTOL-303)

Application No.

Continuation of 3. NOTE: The added and deleted limitations from/to claims raise new issues that required further search and consideration.



EXAMINER
PRIMARY EXAMINER

Exhibit C



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Available Documents

Mail Room Date	Description	Document Category	Page Count	Select All	Start
05-15-2006	Communication - Re: Power of Attorney (PTOL-308)	PROSECUTION	2		
05-08-2006	Miscellaneous Incoming Letter	PROSECUTION	1		
05-08-2006	Power of Attorney (may include Associate POA)	PROSECUTION	3		
05-08-2006	Change of Address	PROSECUTION	1		
02-10-2006	Mail returned to USPTO as undelivered	PROSECUTION	8		
01-31-2006	Notice of Allowance and Fees Due (PTOL-85)	PROSECUTION	3		
01-31-2006	Notice of Allowance and Fees Due (PTOL-85)	PROSECUTION	3		
01-31-2006	List of references cited by examiner	PROSECUTION	1		
	Issue Information				

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01-31-2006	including classification, examiner, name, claim, renumbering, etc.	PROSECUTION	1
01-31-2006	Search Information Including classification, databases and other search related notes	PROSECUTION	1
01-31-2006	<u>Index of Claims</u>	PROSECUTION	1
01-31-2006	<u>Bibliographic Data Sheet</u>	PROSECUTION	1
01-27-2006	<u>Examiner's search strategy and results</u>	PROSECUTION	2
01-26-2006	<u>Examiner's search strategy and results</u>	PROSECUTION	1
11-25-2005	<u>Fee Worksheet (PTO-875)</u>	PROSECUTION	1
11-25-2005	<u>Amendment Submitted/Entered with Filing of CPA/RCE</u>	PROSECUTION	1
11-25-2005	<u>Applicant Arguments/Remarks Made in an Amendment</u>	PROSECUTION	1
11-25-2005	<u>Transmittal to TC</u>	PROSECUTION	1
11-25-2005	<u>Request for Continued Examination (RCE)</u>	PROSECUTION	1
08-22-2005	<u>Mail returned to USPTO as undelivered</u>	PROSECUTION	3
08-03-2005	<u>Advisory Action (PTOL-303)</u>	PROSECUTION	3
07-26-2005	<u>Fee Worksheet (PTO-875)</u>	PROSECUTION	1
07-26-2005	<u>Amendment After Final</u>	PROSECUTION	2
07-26-2005	<u>Specification</u>	PROSECUTION	1

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07-26-2005	Claims	PROSECUTION	10
07-26-2005	Applicant Arguments/Remarks Made In an Amendment	PROSECUTION	2
07-14-2005	Miscellaneous Incoming Letter	PROSECUTION	1
07-14-2005	Power of Attorney (may include Associate POA)	PROSECUTION	3
07-14-2005	Change of Address	PROSECUTION	1
05-26-2005	Final Rejection	PROSECUTION	17
05-26-2005	List of references cited by examiner	PROSECUTION	1
	Search information including classification, databases and other search related notes	PROSECUTION	1
05-26-2005	Index of Claims	PROSECUTION	1
05-26-2005	Bibliographic Data Sheet	PROSECUTION	1
05-19-2005	Examiner's search strategy and results	PROSECUTION	9
12-21-2004	Fee Worksheet (PTO-875)	PROSECUTION	1
12-21-2004	Amendment - After Non-Final Rejection	PROSECUTION	2
12-21-2004	Claims	PROSECUTION	12
12-21-2004	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	10
09-21-2004	Non-Final Rejection	PROSECUTION	15
09-21-2004	List of references cited by examiner	PRIOR ART	1
09-21-2004	NPL Documents	PRIOR ART	4
09-21-2004	NPL Documents	PRIOR ART	7
09-21-2004	Index of Claims	PROSECUTION	1

09-21-2004	Search information including classification, databases and other search related notes	PROSECUTION	1
09-16-2004	Examiner's search strategy and results	PROSECUTION	2
08-09-2002	Power of Attorney (may include Associate POA)	PROSECUTION	1
07-14-2000	Fee Worksheet (PTO-875)	PROSECUTION	1
07-14-2000	Fee Worksheet (PTO-875)	PROSECUTION	1
07-14-2000	Miscellaneous Incoming Letter	PROSECUTION	61

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Exhibit D

Docket Report: 5/17/2006

4/27/2006	1104-021	F/U Filing Receipt	SYSTEM AND METHOD FOR ACCESSING AND MANAG	BSW, RCB	SUPPORT TASK
4/27/2006	1104-084-01	F/U with associate re status (req. for examination filed 4/27/04)	A METHOD AND SYSTEM FOR GROUPING IMAGES IN	Benjamin S Withrow	SOFTDEADLINE
4/27/2006	2867-068	Deadline to file broadening reissue	METHOD AND APPARATUS FOR MULTIPATH SIGNAL C	Benjamin S Withrow	HARDDEADLINE
4/27/2006	1104-055-1A	Deadline to confirm Applicant wishes to proceed with examination	METHOD AND SYSTEM FOR VIEWING IMAGES FROM	Benjamin S Withrow	HARDDEADLINE
4/28/2006	1104-073-1A	Renewal Due (Instructed associate to pay 1-31-06)	A DIGITAL CAMERA WITH MULTIPLE OPERATING MOC	Benjamin S Withrow	Renewal Due
4/28/2006	2867-129A	R-Respond-Final Rejection (2m)	SEMICONDUCTOR LAYER (Divisional of 2867-129)	BSW, MJG	SOFTDEADLINE
4/28/2006	2867-129A	R-Respond-Final Rejection (2m)	SEMICONDUCTOR LAYER (Divisional of 2867-129)	MJG, BSW	SOFTDEADLINE
4/28/2006	7000-514	Notel target filing date	SELECTIVE CALL ANCHORING IN A MULTIMEDIA SUBS	Benjamin S Withrow	HARDDEADLINE
4/28/2006	7000-213-1B	F/U first office action	INCREMENTAL REDUNDANCY WITH SPACE-TIME COE	Benjamin S Withrow	SOFTDEADLINE
4/28/2006	7000-515	Notel target filing date	CALLER-CONTROLLED ALERTING SIGNALS	Benjamin S Withrow	HARDDEADLINE
4/28/2006	2867-294	Send Foreign Filing Notice	DC OFFSET CORRECTION USING MULTIPLE CONFIGU	BSW, RCB	SOFTDEADLINE
4/28/2006	2867-294	R-Foreign Filing Deadline	DC OFFSET CORRECTION USING MULTIPLE CONFIGU	BSW, RCB	SOFTDEADLINE
4/28/2006	2867-294	Send Foreign Filing Notice	DC OFFSET CORRECTION USING MULTIPLE CONFIGU	RCB, BSW	SOFTDEADLINE

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4/28/2006	2867-294	R-Foreign Filing Deadline	DC OFFSET CORRECTION USING MULTIPLE CONFIGU	RCB, BSW	SOFTDEADLINE
4/29/2006	2400-969	Conduct search in preparation for filing application	METHOD TO SIMPLIFY FUEL PAYMENT AT SELF-CHEC	Steven N. Terranova	ATTORNYTASK
4/29/2006	7000-393-01	Deadline to enter Chapter II (19 mo)	PREVENTING ILLICIT COMMUNICATIONS (PCT)	Benjamin S Withrow	HARDDEADLINE
4/29/2006	2400-964	Conduct search in preparation for filing application	METHOD OF INSURING DISPLAY DATA INTEGRITY IN J	Steven N. Terranova	ATTORNYTASK
4/29/2006	2400-961	Conduct Patentability Search and generate Opinion	AUTOMATIC SERVICE INSTRUCTION GRAPHIC	Steven N. Terranova	ATTORNYTASK
4/29/2006	2400-960	Conduct Patentability Search and generate Opinion In conjunction with 2400-959	VIDEO PASSTHROUGH CONNECTOR FOR CONTROLLI	Steven N. Terranova	ATTORNYTASK
4/29/2006	2400-959	Conduct Patentability Search and generate Opinion in conjunction with 2400-960	METHOD OF DETECTING INTRUSION INTO A SECURE	Steven N. Terranova	ATTORNYTASK
4/30/2006	7000-351	F/U re First Office Action	INFORMATION HANDLING FOR INFORMATION SERVIC	Benjamin S Withrow	SUPPORT TASK
4/30/2006	7000-282	Final Rejection-3 mth Deadline	CALL ORIGINATION CONTROL	Benjamin S Withrow	HARDDEADLINE
4/30/2006	2400-942	File IDS	SECURITY SYSTEM AND METHOD FOR DETERRING, F	Steven N. Terranova	HARDDEADLINE
4/30/2006	8867-125	File Extension for SOU absent instructions	LODESTAR Trademark	Benjamin S Withrow	SOFTDEADLINE
4/30/2006	1104-047-01	Deadline to enter Chapter II (19 mo)	METHOD AND SYSTEM FOR SUPPORTING SECURE TI	Benjamin S Withrow	HARDDEADLINE
5/01/2006	2400-972	R-Deadline to file and serve Notice of Confidential	U.S. PATENT INTERFERENCE NO. 105,397 - GATTO V.	Steven N. Terranova	SOFTDEADLINE

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	2400-972	Information	U.S. PATENT INTERFERENCE NO. 105,397 - GATTO V. Steven N. Terranova	SOFTDEADLINE
5/01/2006	2400-974	R-Deadline to file and serve Notice of Confidential Information	U.S. PATENT INTERFERENCE NO. 105,407 - MARCONI Steven N. Terranova	SOFTDEADLINE
5/01/2006	7000-474	F/U Filing Receipt	INTERACTIVE TELEVISION SERVICES Benjamin S Withrow	SUPPORT TASK
5/01/2006	7000-377	F/U Filing Receipt	INTEGRATED HOME SERVICE NETWORK Benjamin S Withrow	SUPPORT TASK
5/01/2006	1104-079-1A	R-Renewal Due	METHOD AND APPARATUS FOR CORRECTING ASPEC Benjamin S Withrow	Renew Remind
5/01/2006	8867-059	Sec. 8/15 Aff. Due (5 1/2yrs)	RF MICRO DEVICES Service Mark Benjamin S Withrow	HARDEADLINE
5/02/2006	7000-458-01	Deadline to pay grant and print fees (associate instructed)	OPTICAL SWITCH WITH CONNECTION VERIFICATION Benjamin S Withrow	HARDEADLINE
5/02/2006	7000-020-1B	F/U re further action	METHODS AND SYSTEMS FOR CONTROLLING NETWC Benjamin S Withrow	SOFTDEADLINE
5/02/2006	2867-357	Send Foreign Filing Notice	PHASE CALIBRATION IN POLAR MODULATED POWER BSW, RCB	SOFTDEADLINE
5/02/2006	2867-357	R-Foreign Filing Deadline	PHASE CALIBRATION IN POLAR MODULATED POWER BSW, RCB	SOFTDEADLINE
5/02/2006	2867-357	Send Foreign Filing Notice	PHASE CALIBRATION IN POLAR MODULATED POWER RCB, BSW	SOFTDEADLINE
5/02/2006	2867-357	R-Foreign Filing Deadline	PHASE CALIBRATION IN POLAR MODULATED POWER RCB, BSW	SOFTDEADLINE
5/02/2006	2867-310	Send Foreign Filing Notice	SYSTEM AND METHOD FOR REDUCING SELF INTERFT BSW, RCB	SOFTDEADLINE
5/02/2006	2867-310	R-Foreign Filing Deadline	SYSTEM AND METHOD FOR REDUCING SELF INTERFT BSW, RCB	SOFTDEADLINE
5/02/2006	2867-310	Send Foreign Filing Notice	SYSTEM AND METHOD FOR REDUCING SELF INTERFT RCB, BSW	SOFTDEADLINE

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5/02/2006	2867-310	R-Foreign Filing Deadline	SYSTEM AND METHOD FOR REDUCING SELF INTERF	RCB, BSW	SOFTDEADLINE
5/02/2006	2400-257A	Order patent plaque	CELLULAR TELEPHONE-BASED TRANSACTION PROC	Steven N. Terranova	MCS awards
5/03/2006	2867-141	Respond to Final Rejection (2mnth)	DIGITALLY CONTROLLED OSCILLATOR	BSW, RCB	HARDDEADLINE
5/03/2006	2867-141	Respond to Final Rejection (2mnth)	DIGITALLY CONTROLLED OSCILLATOR	RCB, BSW	HARDDEADLINE
5/03/2006	7000-346-1A	F/U re further action	METHOD AND APPARATUS FOR ASSOCIATING AN EN	Benjamin S Withrow	SOFTDEADLINE
5/04/2006	2867-136	Deadline to file broadening reissue	PHASE-LOCKED LOOP HAVING LOOP GAIN AND FRE	Benjamin S Withrow	HARDDEADLINE
5/04/2006	2500-111	F/U on response from Natl Inst of Health re corrective paperwork for V-R patent 4,977,528	PATENT LABEL	Steven N. Terranova	SOFTDEADLINE
5/04/2006	7000-005	Deadline to file broadening reissue	IMPROVED FRAME SYNCHRONIZATION OVER MULTIP	Benjamin S Withrow	HARDDEADLINE
5/04/2006	8867-125	5th Statement of Use Deadline	LODESTAR Trademark	Benjamin S Withrow	HARDDEADLINE
5/04/2006	8867-082	F/U re registration of 76/275,023 and OA	POLARIS Trademark	Benjamin S Withrow	SOFTDEADLINE
5/05/2006	7000-454	F/U re First Office Action	METHOD AND SYSTEM FOR DATA ENTRY ON COMPU	Benjamin S Withrow	SUPPORT TASK
5/05/2006	7000-528-01	Deadline to submit original signed Request form	SESSION INITIATION FROM APPLICATION SERVERS II	Benjamin S Withrow	HARDDEADLINE
5/05/2006	2867-359	Send Foreign Filing Notice	ACTIVE RIPPLE REDUCTION IN SWITCHED MODE POW	BSW, RCB	SOFTDEADLINE